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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,447	06/01/2001	James W. Taylor	P/2167-278	2082
21967 7590 06/27/2007 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER APPLE, KIRSTEN SACHWITZ	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 06/27/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/872,447

Applicant(s)

TAYLOR ET AL.

Examiner

Kirsten S. Apple

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6-69 and 71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6-69 and 71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## Detailed Action

This action is in response to the application RCE filed on 4/12/07.

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission has been entered.

### *Claim Rejections - 35 USC § 103*

The Examiner has read and reviewed all of the information provided by the Applicant. The examiner rejects as final claims 1-71 under 35 USC 103.

The Applicant attention is re-drawn to the following:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-71 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker (US Patent 6,088,686) in view of Eliason (Online Business Computer Applicants Book ISSN: 0-02-332-461-9).

**Re claim 1 & 32 & 43 & 57:** Walker discloses:

*A method & system of offering a financial product to a customer, comprising:*

*Maintaining a web site (see Walker, paragraph 36, "on-line processing")*

*Receiving identification information regarding the customer over a network connection  
(see Walker, Figure 40, Item 2002)*

*Forwarding the ID information to a financial institution adapted to determine if the  
customer qualifies for the offer of the financial product (see Walker, Figure 40, Item 2004)*

*Retrieving data related to the identification information (see Walker, Figure 40, Item  
2006)*

*Determining if the customer qualifies to receive an offer of financial product in response  
to the retrieved data (see Walker, Figure 42, Item 2054)*

*Offering the financial product to the customer if the customer qualifies (see Walker,  
Figure 51, Item 2252)*

*Wherein the acts of receiving, retrieving and determining and offering occur in real-time  
(see Walker, abstract, "real-time")*

*Claim 43 also includes:*

*a first interface received customer info (see Walker, Figure 1A, Item 50)*

*a second interface received ID info (see Walker, Figure 1B, Item 54)*

*a processor coupled to interfaces (see Walker, Figure 1B, Item 26)*

Although Walker does not have Automation through a web site, Eliason claims  
"Automation through a web site"

Therefore it would have been obvious to one of ordinary skill in the art at the time the  
invention was made to add Automation through a web site as taught in Eliason to Walker.

It is clear that one would be motivated because of greater efficiency.

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**Re claim 2 & 4:** Walker discloses:

*while/in parallel to the customer is conducting a transaction (see Walker, Figure 1A, Item 14)*

**Re claim 3 & 5:** Walker discloses:

*The transaction is conducted on-line or via telephone (see Walker, paragraph 36, "on-line processing" it is inherent that transaction is over a communication medium such as a telephone)*

**Re claim 6 & 44:** Walker discloses:

*ID info is received directly from the customer (see Walker, figure 1A, item 10)*

**Re claim 7:** Walker discloses:

*ID info is received from an entity other than the customer (see Walker, Figure 1A, item 12)*

**Re claim 8:** Walker discloses:

*Entity is a merchant that sells products or services (see Walker, Figure 1A, item 12)*

**Re claim 9 & 33 & 45 & 58:** Walker discloses:

*ID info is any info that personally ID the customer*

*The examiner claim that it is inherent that ID info is any info that personally ID the customer*

**Re claim 10 & 34 & 46 & 59:** Walker discloses:

*ID info is selected from the group consisting of: Name, address, Social Security, account ID number, Password, computer ID tag, and any combination thereof. (see Walker, paragraph 20, "social security number")*

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**Re claim 11 & 47 & 60:** Walker discloses:

*Obtaining at least a portion of the data from external sources/database (see Walker, Figure 1B, item 54)*

**Re claim 12 & 48 & 61:** Walker discloses:

*External source/database is at least on credit bureau (see Walker, Figure 1B, item 28)*

**Re claim 13 & 62:** Walker discloses:

*Data includes credit related data (see Walker, Figure 1B, item 28)*

**Re claim 14:** Walker discloses:

*Credit related data contains FICO scores data, delinquency data, credit activity data and credit history data. (see Walker, Column 19, line 33)*

**Re claim 15:** Walker discloses:

*Data includes demographic data (see Walker, Column 20, line 13)*

**Re claim 16:** Walker discloses:

*Demographic data contains info related to residence, income, household make-up and lifestyle of the customer*

*It is inherent that demographic data contains residence, income, household make-up and lifestyle of the customer*

**Re claim 17 & 35 & 50 & 63:** Walker discloses:

*Customer is a person*

*It is inherent that a customer would include a entity such as a person or business*

**Re claim 18 & 23 & 36 & 51 & 54 & 64 & 67:** Walker discloses:

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*Offer a credit card, a overdraft product, a mortgage, a mortgage refinancing, an auto loan, a student loan, a personal loan, insurance, a home equity loan, a credit line extension or a margin lending product. (see Walker, Figure 42, item 2084)*

**Re claim 19 & 52 & 65:** Walker discloses:

*The step of offering the financial product includes offering financial product packages*

**Re claim 20:** Walker discloses:

*Customizing each of the financial product packages for a customer based on the data (see Walker, Figure 49, item 2208)*

**Re claim 21:** Walker discloses:

*Grouping each of the financial product packages into conservative, normal or flexible financial product packages. (see Walker, Figure 49, item 2208 & Figure 51, item 2252)*

**Re claim 22 & 53 & 66:** Walker discloses:

*Customer is a business*

*It is inherent that a customer would include a entity such as a person or business*

**Re claim 24 & 37:** Walker discloses:

*Receiving a response to the offer (see Walker, Figure 51, item 2254)*

**Re claim 25 & 38:** Walker discloses:

*Response occurs in real-time (before completion on web site) (see Walker, abstract, "real-time")*

**Re claim 26 & 39:** Walker discloses:

*Response is acceptance or refusal (see Walker, Figure 51, item 2254, "yes" or "no")*

**Re claim 27 & 40:** Walker discloses:

*Financial product is immediately usable by the customer after receiving the acceptance of the offer without the need to again qualify the customer based on the retrieved data (see Walker, Figure 51, item 2256 and Figure 1B, Item 40)*

**Re claim 28 & 41:** Walker discloses:

*Verify the ID of the customer after receiving the acceptance of the offer before the financial product is immediately usable by the customer (see Walker, Figure 51, item 2258 and Figure 1B, Item 40)*

**Re claim 29 & 56:** Walker discloses:

*Step of offering the financial product is performed by an entity other than performing the step of determining if the customer qualifies for the offer (see Walker, Figure 1B, item 58)*

**Re claim 30 & 55 & 68:** Walker discloses:

*Step of retrieving data (by third interface) and determining if the customer qualifies (processor) are performed by a financial institution (see Walker, Figure 1B, Item 58 & 60)*

**Re claim 31 & 42 & 69:** Walker discloses:

*Financial institution is a bank, credit union or saving & loan organization. (see Walker, Figure 1B, Item 58 & 60)*

### ***Response to Arguments***

Applicant's arguments filed 1/23/07 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1<sup>st</sup>: the combination of Walker and Eliason lacks motivation.

The Examiner refutes the argument made by the Applicant. Walker clearly established that the process of the applicant is well known. Conducting it over the internet instead of



through individuals (automating the process in other words) is so well known that the examiner would have felt comfortable simply citing Official Notices. Out of courtesy the examiner cited Eliason. The motivation is very clear and from the recent supreme court hearing of "KFR" supports the conclusion of the examiner.

Applicants argued 2<sup>nd</sup>, Walker does not disclose id information is "provided by the customer to a web site while the customer is conducting an on-line transaction on the web site"

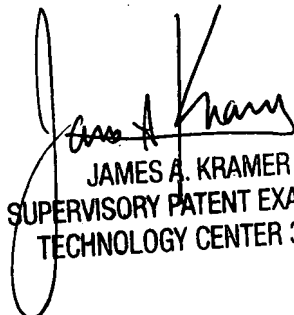
The Examiner refutes the argument made by the Applicant and draws the attention to arguments above. Simply automating a process on the internet is obvious as described above.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JAMES A. KRAMER  
SUPERVISORY PATENT EXAMINER  
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